



City of Seattle

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Department of Design, Construction and Land Use
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**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2205192
Applicant Name: Kelly Shyne for Submarine Attractions
Address of Proposal: 201 Alaskan Way South

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Permit to establish use for a maritime museum in a 1,520 square foot portion of an existing passenger terminal for a submarine attraction. The submarine is to be connected to the existing pier. There is no change in parking. Determination of Non-Significance prepared by the Port of Seattle.

The Seattle Municipal Code (SMC) requires the following approvals:

Shoreline Substantial Development Permit - To allow the remodel of an existing building in an Urban Harborfront (UH) Shoreline Environment - (SMC 23.60.660)

SEPA - Environmental Determination - (SMC 25.05)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
 ☐ DNS with conditions
 ☐ DNS involving non-exempt grading or demolition or
 involving another agency with jurisdiction.

BACKGROUND DATA

Existing Site & Vicinity Description

The proposal site is located on Elliott Bay at Pier 48, 201 Alaskan Way South. The submarine is currently positioned on the northern side of Pier 48 and is attached to the existing timber pier by

seven steel cable mooring lines. The attraction has leased 1,520 square feet in the interior of the existing transit shed and approximately 300 lineal feet of moorage.

Pier 48 previously served as a terminal for the Alaska Marine Highway ferry operation and, more recently, the B.C. Stena Line, which operated a passenger/vehicle ferry service between Seattle and Victoria, B.C. From November 1990, when the Stena Line operations at Pier 48 ceased, until 1994 the pier building has remained vacant. Outdoor parking areas have been used periodically for parking, and the berth areas have been used periodically for transient mooring of ships. During the 1994 ferry season, Pier 48 served as the interim service location for passenger and auto ferry traffic between Seattle and Victoria, B.C. Since 1994, Pier 48 has been used periodically for transient mooring of ships.

The subject property is zoned Downtown Harborfront-1 with a maximum height limit of 45 feet (DH1-45). The property is located on Puget Sound and is within the Urban Harborfront (UH) shoreline environment.

Area Development

Pier 48 sits just south of the Coleman Dock (Pier 52), the location of a Washington State Ferries terminal. Pioneer Square a historic district is across Alaskan Way S. There is significant pedestrian use in this area by Seattle residents and tourists.

Proposal

The applicant has already located the “permanently moored vessel”, a non-nuclear Russian Foxtrot Class Patrol Submarine with dimensions of: length of 284 feet, beam of 26 feet, and draft of 20 feet (draft of 12 feet at bow, 18 feet midship) on the north side of Pier 48. The United States Coast Guard issued a temporary certification of inspection for a visiting attraction vessel on June 3, 2002 (#CG5676551), and it has been in operation since then. No new construction or alteration of the existing pier structure is required for moorage of the submarine. No in-water construction of any kind is proposed. There is no anchoring of any kind to the seabed.

The project includes the construction of two prefabricated, aluminum access ramps, 50 feet and 33 feet long respectively. Both ramps are placed on top of the pier and are not permanently attached. Other changes include temporary fencing for pedestrian circulation and security. The applicant, Submarine Attractions, has leased approximately 1,520 square feet within the transit shed/warehouse building.

The applicant expects that no more than 60 persons will be present on the submarine at any one time. The number of visitors is expected to range from approximately 75 to 500 daily. Access to the site is primarily by pedestrian traffic, public buses, and private vehicles.

Public Comment

No comments were received during the official public comment period which ended January 3, 2003.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

Substantial Development Permit Required

The proposal is located within an Urban Harborfront Shoreline Environment as designated by the Seattle Shoreline Master Program (SSMP). This program, Section 23.60 of the Seattle Municipal Code, regulates use and development in the City's shoreline districts, to implement the policy and provisions of the Shoreline Management Act of 1971, and the Shoreline Goals and Policies.

The SSMP requires that a shoreline permit be obtained prior to the undertaking of any substantial development within a shoreline environment. SMC Section 23.60.030 includes criteria for evaluating a shoreline permit. A substantial development permit shall be issued only when the development proposed is consistent with:

- A. The policies and procedures of Chapter 90.58 RCW;
- B. The regulations of this Chapter; and
- C. The provisions of Chapter 173-27 WAC.

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

A. THE POLICIES AND PROCEDURES OF CHAPTER 90.58.RCW

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle and other jurisdictions with shorelines, adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60., that also incorporates the provisions of Chapter 173.27 WAC. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions.

The proposal to add a permanently moored vessel as described above is consistent with the policies and procedures of Chapter 90.58 RCW and the provisions of Chapter 173-27 WAC.

B. THE REGULATIONS - CHAPTER 23.60

The regulations of Section 23.60.064 SSMP require that the proposed use(s): 1) conform to all applicable development standards of both the shoreline environment and underlying zoning; 2) be permitted in the shoreline environment and the underlying zoning district; and 3) satisfy the criteria of shoreline variance, conditional use, and/or special use permits as may be required.

SSMP 23.60.004 - Shoreline Policies

The Shoreline Goals and Policies which are part of the Seattle Comprehensive Plan's Land Use Element and the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220 must be considered in making all discretionary decisions in the Shoreline district.

The proposal site is located in an area designated as Urban Harborfront, the purpose of which is to encourage economically viable water-dependent uses to meet the needs of waterborne commerce, facilitate the revitalization of Downtown's waterfront, provide opportunities for public access and recreational enjoyment of the shoreline, preserve and enhance elements of historic and cultural significance and preserve views of Elliott Bay and the land forms beyond. Locational criteria for UH environments include areas where the underlying zoning is a Downtown zone; areas in or adjacent to a State Harbor area; and, areas where the water area is developed with finger piers and transit sheds.

Goals for Shoreline use in the Seattle Comprehensive Plan include encouraging uses that result in long-term over short-term benefits, and the integration and location of compatible uses within segments of the shoreline. The goals for economic development include encouraging economic activity of water-dependent uses. The proposed facility would allow the pier to maintain its operations, and support tenants interested in retaining economic development of the Urban Harborfront.

Development Standards

The proposal to add a maritime museum use over water structure is permitted outright in SMC 23.60.660 governing the UH shoreline environment. The proposed action is therefore subject to:

1. The general development standards for all shoreline environments (SSMP 23.60.152);
2. The development standards for uses in the UH environment (SSMP 23.60.660); and,
3. The development standards for Downtown Harborfront 1 zones (SMC 23.49).

1. General Development Standards for all Shoreline Environments (SSMP 23.60.152)

These general standards apply to all uses in the shoreline environments. They require that all shoreline activity be designed, constructed, and operated in an environmentally sound manner consistent with the Shoreline Master Program and with best management practices for the specific use or activity, in order to have minimal impact on the shoreline.

General development standards (SSMP 23.60.152) state that Best Management Practices (BMP's) shall be followed for any development in the shoreline environment. These measures

are required to prevent contamination of land or water. The Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on improving water quality. Therefore, approval of the substantial development permit will be conditioned to require application of construction BMP's.

The proposed project's design is consistent with the requirements of this section. To ensure that these standards are conformed to, the proponent will be required to notify contractors and sub-contractors of these requirements.

2. Development Standards for UH Shoreline Environment (SSMP 23.60.690)

The subject lot is considered a waterfront lot as defined in SMC [23.60.924](#). Development standards for waterfront lots in the Urban Harborfront environment address height limits, lot coverage, view corridors, public access with certain exceptions, and location. The proposal does not alter the physical development on the site and retains compliance with the development standards.

In summary, as designed, the proposal is supported by both the purpose of the UH shoreline environment and the policies set forth in the Comprehensive Plan. The structure would remain consistent with the underlying downtown zoning and in character with surrounding development, and conforms to the general development standards and the requirements of the underlying downtown zone.

3. Development Standards for Downtown Harborfront 1 Zones (SSMP 23.49.300 - 306)

The development standards in SMC 23.49.300 - 23.49.306 relate to general provisions and parking in the Downtown Harborfront 1 zone. Each of these provisions has either been met or is not affected by the proposal.

C. THE PROVISIONS OF CHAPTER 173-27 WAC

Chapter 173-27 WAC sets forth permit requirements for development in shoreline environments and gives the authority for administering the permit system to local governments. The State acts in a review capacity. The Seattle Municipal Code Section 23.60 (Shoreline Development) and the RCW 90.58 incorporates the policies of the WAC by reference. These policies have been addressed in the foregoing analysis and have fulfilled the intent of WAC 173-27.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposed action is **GRANTED**.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by the applicant dated September 18, 2002. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. Under such limitations/circumstances (SMC 225.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction/demolition-related impacts are expected: minor decreased air quality due to suspended particulates from building and demolition activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. Additionally, these impacts are minor in scope and are not expected to have significant adverse impacts. However, due to the density and close proximity of residential uses, further analysis of construction impacts is warranted.

Water Quality

There is the potential for debris to enter the water during construction and demolition, so care will have to be taken to prevent this from occurring. In addition to the requirements set forth by 23.60.152 SSMC, measures to protect water quality shall also be followed as conditioned below.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency, of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030.(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT AND SEPA

The owner(s) and/or responsible party(s) shall:

Prior to Issuance of a Construction Permit

1. Notify in writing all contractors and sub-contractors of the general requirements of the Shoreline Master Program (SSMP 23.60.152), including the requirements set forth by Condition #2 below.

Conditions of Approval During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DCLU. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

2. Care shall be taken by the owner(s), builder(s), or responsible party(s) to prevent debris from entering the water during demolition and construction and to remove debris promptly if it does enter the water. Materials and construction methods shall be used which prevent toxic materials, petrochemicals and other pollutants from entering surface water during and after construction. The least toxic wood preservatives that are appropriate shall be used.

Signature: (signature on file) Date: July 3, 2003
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Department of Design, Construction and Land Use
Land Use Services